

different sectors. Also a special prosecutor was appointed by the United Nations to handle Mitrovica. Things boiled over there; now the flame has been doused and the lid is back on. We will have to keep an eye on Mitrovica and northern Kosovo.

Similarly, the Presevo Valley in southeastern corner of Serbia proper, which has a strong ethnic Albanian majority population, is a potential flashpoint. Radical elements have been training in the demilitarized zone between Kosovo and Serbia proper, occasionally staging hit-and-run raids on Serbian police. Their motive is clearly to provoke a larger conflict, and then to appeal to KFOR to bail them out. We should not fall for this trap. I am pleased that the Administration has made clear to the radicals that they are on their own, and has enlisted the help of responsible Kosovar Albanians to rein them in.

With respect to security in Kosovo, however, the overall trend is in the right direction. The drop in the murder rate is due largely to the excellent work of the forty-two thousand, five hundred KFOR troops in Kosovo, and increasingly to the more than three thousand, one hundred international police deployed by the U.N. Interim Administration Mission in Kosovo—known as UNMIK. Eventually four thousand, four hundred UNMIK police are to be deployed.

Our government must be sure to make its pledged payments to UNMIK on time and to pressure other donor countries to do the same. Cooperation between UNMIK's chief, Dr. Bernard Kouchner, and KFOR's commander has been superb. If Dr. Kouchner is given all the tools the way KFOR has been, then I believe he will be able to do his job successfully.

Incidentally, Mr. President, KFOR's commanders have been, in order, an Englishman, a German, and now a Spaniard—all under NATO's Supreme Commander in Europe, an American.

While profound mistrust of KFOR and UNMIK exists among much of the Serbian community in Kosovo, a hopeful sign is that observers from the Serb community recently joined the power-sharing system UNMIK has set up with a broad spectrum of Kosovar Albanian leaders.

Much of the Serbs' mistrust—and of widespread unease among the Kosovar Albanians—stems from the fact that although the homicide rate in the province has dropped, other forms of criminality are increasing. Particularly worrisome is the influx of organized crime elements from Albania across the porous, mountainous border into Kosovo.

We must not allow Kosovo to descend into gang-infested semi-anarchy. This is the principal reason that the promised international funding for UNMIK simply must be delivered promptly. I cannot stress this requirement enough.

Our government must pressure the Europeans—who have assumed the primary responsibility for KFOR, UNMIK, and the Stability Pact for Southeast Europe—immediately to live up to their pledges.

Because of excellent work by the U.S. Agency for International Development and other national and international organizations, there are high expectations all over Kosovo that this spring and summer there will be reconstruction on a mass scale all over the province. We must be certain that the international funding is delivered in time, so as not to deflate the Kosovars' and the Kosovo Serbs' hopes and damage our credibility and that of our allies and other cooperating nations.

Mr. President, the more I delve into the details of the American and other international efforts to rebuild the Balkans—in Kosovo, in Bosnia and Herzegovina, in Albania, and elsewhere—the more respect I have for our outstanding men and women serving in often difficult and dangerous circumstances in our diplomatic service, our armed forces, and our aid missions. They are bright, they are dedicated, and they are getting tangible results. This is a side of the story that the American public should hear more about.

It is also important that the American public understands that the overwhelming majority of KFOR troops, the overwhelming majority of UNMIK personnel, and the overwhelming majority of development assistance are all being provided by our European allies and other friendly governments. Mr. President, one bright spot of the Kosovo story is that it shows that burdensharing not only can work, but is working.

In Kosovo, perhaps more than anywhere else in the Balkans, however, even as we analyze serious current problems, we must never lose sight of what the situation would be if we had not acted militarily last year. Milosevic would have gotten away with vile ethnic cleansing on a scale unprecedented in Europe for decades, causing untold human misery, destabilizing Macedonia and Albania, irreparably harming the credibility of NATO, and possibly even fracturing the alliance.

No, the situation in Kosovo is far from good, but it is incalculably better than it would have been, had NATO, under President Clinton's leadership, not intervened.

In early February, at the Munich Conference on Security Policy, the U.S. Congressional delegation had breakfast with Lord Robertson, the Secretary General of NATO. As he so aptly put it, "no one should expect a Balkan Switzerland to be created in a few short years." But that should not blind us, either to the significant progress already achieved, or to the continuing importance to the United

States and to the rest of Europe of the struggle for lasting security in the Balkans.

We must keep our eye on the prize and redouble our efforts to rebuild and stabilize Southeastern Europe. So, once again, I urge my colleagues on the Appropriations Committee to fully fund, without conditions, the Administration's supplemental request for peacekeeping and reconstruction in Kosovo. The stakes are simply too high to do otherwise.

I thank the Chair and yield the floor.

PARK SERVICE SNOWMOBILE BAN

Mr. GRAMS. Mr. President, I want to take a few minutes today to talk about the Department of Interior's recent decision to ban snowmobiling in most units of the National Park System.

While the Interior Department's recent decision will not ban snowmobiling in Minnesota's Voyageurs National Park, it will impact snowmobiling in at least two units of the Park System in my home State—Grand Portage National Monument and the St. Croix National Scenic Riverway. In addition, this decision will greatly impact Minnesotans who enjoy snowmobiling, not only in Minnesota, but in many of our National Parks, particularly in the western part of our country.

When I think of snowmobiling in Minnesota, I think of families and friends. I think of people who come together on their free time to enjoy the wonders of Minnesota in a way no other form of transportation allows them. I also think of the fact that in many instances snowmobiles in Minnesota are used for much more than just recreation. For some, they're a mode of transportation when snow blankets our state. For others, snowmobiles provide a mode of search and rescue activity. Whatever the reason, snowmobiles are an extremely important aspect of commerce, travel, recreation, and safety in my home state.

Minnesota, right now, is home to over 280,000 registered snowmobiles and 20,000 miles of snowmobile trails. According to the Minnesota United Snowmobilers Association, an association with over 51,000 individual members, Minnesota's 311 snowmobile riding clubs raised \$264,000 for charity in 1998 alone. Snowmobiling creates over 6,600 jobs and \$645 million of economic activity in Minnesota. Minnesota is home to two major snowmobile manufacturers—Arctic Cat and Polaris. And yes, I enjoy my own snowmobiles.

People who enjoy snowmobiling come from all walks of life. They are farmers, lawyers, nurses, construction workers, loggers, and miners. They are men, women, and young adults. They are people who enjoy the outdoors,

time with their families, and the recreational opportunities our diverse climate offers. These are people who not only enjoy the natural resources through which they ride, but understand the important balance between enjoying and conserving our natural resources.

Just 3 years ago, I took part in a snowmobile ride through a number of cities and trails in northern Minnesota. While our ride didn't take us through a unit of the National Park Service, it did take us through parks, forests, and trails that sustain a diverse amount of plant and animal species. I talked with my fellow riders and I learned a great deal about the work their snowmobile clubs undertake to conserve natural resources, respect the integrity of the land upon which they ride, and educate their members about the need to ride responsibly.

The time I spent with these individuals and the time I have spent on my own snowmobiles have given me a great respect for both the quality and enjoyment of the recreational experience and the need to ride responsibly and safely. They have also given me reason to strongly disagree with the approach the Park Service has chosen in banning snowmobiles from our National Parks.

I was stunned to read of the severity of the Park Service's ban and the rhetoric used by Assistant Secretary Donald J. Barry in announcing the ban. In the announcement, Assistant Secretary Barry said, "The time has come for the National Park Service to pull in its welcome mat for recreational snowmobiling." He went on to say that snowmobiles were, "machines that are no longer welcome in our national parks." These are not the words of someone who is approaching a sensitive issue in a thoughtful way. These are the words of a bureaucrat whose agenda has been handwritten for him by those opposed to snowmobiling.

The last time I checked, Congress is supposed to be setting the agenda of the Federal agencies. The last time I checked, Congress should be determining who is and is not welcome on our Federal lands. And the last time I checked, the American people own our public lands—not the Clinton administration and certainly not Donald J. Barry.

In light of such brazenness, it's amazing to me that this administration, and some of my colleagues in Congress, question our objections to efforts that would allow the Federal Government to purchase even larger tracts of private land. If we were dealing with Federal land managers who considered the intent of Congress, who worked with local officials, or who listened to the concerns of those most impacted by Federal land-use decisions, we might be more inclined to consider their efforts. But when this administration,

time and again, thumbs its nose at Congress and acts repeatedly against the will of local officials and American citizens, it is little wonder the some in Congress might not want to turn over more private land to this administration.

I cannot begin to count the rules, regulations, and executive orders this administration has undertaken without even the most minimal consideration for Congress or local officials. It has happened in state after state, to Democrats and Republicans, and with little or no regard for the rule or the intent of law. I want to quote Interior Secretary Bruce Babbitt from an article in the *National Journal*, dated May 22, 1999. In the article, Secretary Babbitt was quoted as saying:

When I got to town, what I didn't know was that we didn't need more legislation. But we looked around and saw we had authority to regulate grazing policies. It took 18 months to draft new grazing regulations. On mining, we have also found that we already had authority over, well, probably two-thirds of the issues in contention. We've switched the rules of the game. We are not trying to do anything legislatively.

That is a remarkable statement by an extremely candid man, and his intent to work around Congress is clearly reflected in this most recent decision. Clearly, Secretary Babbitt and his staff felt the rules that they've created allow them to "pull the welcome mat for recreational users" to our national parks.

As further evidence of this administration's abuse of Congress—and therefore of the American people—Environmental Protection Agency Administrator Carol Browner was quoted in the same article as saying:

We completely understand all of the executive tools that are available to us—And boy do we use them.

While Ms. Browner's words strongly imply an intent to work around Congress, at least she did not join Secretary Babbitt in coming right out and admitting it.

Mr. President, I for one am getting a little sick and tired of watching this administration force park users out of their parks, steal land from our States and counties, impose costly new regulations on farmers and businesses without scientific justification, and force Congress to become a spectator on many of the most controversial and important issues before the American people.

It is getting to the point where I am not sure what to tell my constituents. I have been on the phone with snowmobilers in Minnesota and they ask what can be done. I start to explain that because of the filibuster in the Senate and the President's ability to veto, it will be difficult for Congress to take any action. I have found myself saying that a lot lately. Whether it is regulations on Total Maximum Daily Loads, efforts to put 50 million acres of

forests in wilderness, or new rules to regulate a worker's house should they choose to work at home, this administration just doesn't respect the legislative process or the role of Congress. Nor does this administration respect the jobs, traditions, cultures, of lifestyles of millions of Americans. If you are an American who has yet to be negatively impacted by the actions of this administration, just wait your turn because you were evidently at the end of the list. Sooner or later, if they get their way in the next few months, they're going to kill your job, render your private property unusable, and ban you from accessing public lands that have been accessible for generations. Regrettably, many of us in Congress are now left with the proposition of telling our constituents that we must wait for a new administration. I have to tell them that this administration is on its way out the door and they're employing a scorched earth exit strategy. And I have to warn them that the situation could get worse if a certain Vice President finds himself residing at 1600 Pennsylvania Avenue next year.

I have to admit, there is nothing pleasurable about telling your constituents to wait until next year. I think it is important to remember that, as Senators, we are the representatives of every one of our constituents. When I have to tell a constituent that Congress has lost its power to act on this matter, I am actually telling that constituent that he or she has lost their power on this matter. When I have to tell a snowmobiler that the administration doesn't care what Congress has to say about snowmobile in national parks, I am really telling him or her that the administration doesn't care what the American people have to say about snowmobiling in national parks. Well, I doubt any of us could've said that any better than Donald J. Barry said it himself.

When forging public policy, those of us in Congress often have to consider the opinions of the state and local officials who are most impacted. If I'm going to support an action on public land, I usually contact the state and local officials who represent the area to see what they have to say. I know that if I don't get their perspective, I might miss a detail that could improve my efforts. I also know that the local officials can tell me if my efforts are necessary or if they're misplaced. They can alert me to areas where I need to forge a broader consensus and of ways in which my efforts might actually hurt the people I represent. I think that is a prudent way to forge public policy and a fair way to deal with state and local officials.

I know, however, that no one from the Park Service ever contacted me to see how I felt about banning snowmobiling in Park Service units in

Minnesota. I was never consulted on snowmobiling usage in Minnesota or on any complaints that I might have received from my constituents. While I've not checked with every local official in Minnesota, not one local official has called me to say that the Park Service contacted them. In fact, while I knew the Park Service was considering taking action to curb snowmobile usage in some Parks, I had no idea the Park Service was considering an action so broad, and so extreme, nor did I think they would issue it this quickly.

This quick, overreaching action by the Park Service, I believe, was unwarranted. It did not allow time for federal, state, or local officials to work together on the issue. It didn't bring snowmobile users to the table to discuss the impact of the decision. It didn't allow time for Congress and the Administration to look at all of the available options or to differentiate between parks with heavy snowmobile usage and those with occasional usage. This decision stands as a dramatic example of how not to conduct policy formulation and is an affront to the consideration American citizens deserve from their elected officials.

I hope we take a hard look at this decision and call the administration before Senate Committees for hearings. I have long believed that we can have an impact on these matters by holding strong oversight hearings and by forcing the Administration to account for its actions. We cannot, however, simply stand by and watch as the Administration continues its quest for even greater power at the expense of the deliberative legislative processes envisioned by the founders of our country. Secretary Babbitt, Administrator Browner, and Donald J. Barry may believe they're above working with Congress, but only we can make sure they're reminded, in the strongest possible terms, that when they neglect Congress they're neglecting the American people.

I thank the Chair.

CONTINUING SENATE STALL ON JUDICIAL NOMINATIONS

Mr. LEAHY. Mr. President, I, again, urge the Senate to take the responsible action necessary to fill the 80 judicial vacancies around the country. The Senate has confirmed only seven judges all year. We are in our fifth month and have only confirmed seven judges. We have 80 vacancies. There are six nominations on the Senate Executive Calendar, including Tim Dyk, who has twice been reported by the Judiciary Committee. Mr. Dyk's nomination has been pending over 2 years. Does this all sound familiar? It is because the Senate continues to fail in its responsibility to the American people and the Federal courts to take action on judicial nominations.

The stall has been going on since 1996, with a few brief burst of activity when the editorial writers and public attention has focused attention of these shortcomings. When there is scrutiny, then the majority puts through a few more.

The Judiciary Committee is not doing any better. It has held the equivalent of two hearings all year. In 5 months, it has held the equivalent of just two hearings on judicial nominations. We heard from only two nominees to the courts of appeal and only nine to the district courts. The committee has reported only six nominees all year, just six.

I know the Senate has built in to the schedule a lot of vacation and a number of recesses. Maybe we ought to take a day or two out of one of those vacations and have some hearings and some votes on the confirmations of the scores of judges that are needed.

We have seen the majority announce with great fanfare that the Senate would have more hearings in the Judiciary Committee on Elian Gonzalez this year. The American public responded so loudly and correctly to that proposal for senatorial child abuse that the majority quickly backed off, trying to find some face-saving way to cancel the hearings. Well, without those hearings we had a whole day this week available. Instead of senatorial child abuse, why not have hearings on judges? We could have done that.

The committee markup scheduled for this morning was canceled. We could have used that time for a Judiciary hearing or proceeded and reported a few judicial nominees.

Most afternoons are free around here this year. We could have hearings a few afternoons a week and start to catch up on our responsibilities.

Over the last weekend, the President again called upon us to do our job and complete consideration of these nominations without additional delay. The Chief Justice of the Supreme Court, a Republican, has scolded the Senate in this regard.

I have urged the Senate time and time again to fulfill our responsibilities. I wish we would do this, take a couple days less vacation time, work a few afternoons, and confirm the judges that we need around the country.

A couple of years ago, I compared the Senate pace of confirming judges with the home run pace of such players as Mark McGwire, Sammy Sosa, and Ken Griffey, Jr. Over the past couple of years when I have used this example of how much better they do hitting home runs than we do at confirming judges, my friend from Utah and I have gone back and forth with regard to this kind of comparison. He has said I should not be comparing the Senate to some of the greatest home run hitters of all time. I understand his reluctance since this Senate certainly has not been a home run hitter as far as confirming judges.

But when I looked at the sports pages today I was struck by how poorly we are doing. Keep in mind, that the Senate has been in session a couple of months longer than the baseball season, that we had a 2-month head start. Nonetheless, as of today, there are 27 baseball players who have hit more home runs than the Senate has confirmed judges. These are not just the stars. The Senate does not fail in comparison to just McGwire and Sosa, but in comparison to—I know these are names you will not all recognize and I see the pages coming to attention and see how many they know—the White Sox' Paul Konerko; the Cubs' Shane Andrews; the Rockies' Todd Helton; the Brewers' Geoff Jenkins; the Angels' Troy Glaus; the Royals' Mike Sweeney. Not legends yet, but fine people and players who have all hit more home runs than the Senate—even with a 2-month head start.

In fact, I may be doing a disservice to these major-leaguers by comparing them to the Senate. Why? Because these ballplayers are acting professionally and doing what they are paid to do. We are not acting professionally. We are not fulfilling our constitutional responsibilities. We are not doing what we are paid to do. We are refusing to vote yes or no on these judges.

The vacancies on the courts of appeals around the country are particularly acute. Vacancies on the courts of appeals are continuing to rob these courts of approximately 12.3 percent of their authorized active strength, as they have for the last several years. The Ninth Circuit continues to be plagued by multiple vacancies. We should be making progress on the nominations of Barry Goode, Judge Johnnie B. Rawlinson and James E. Duffy, Jr., as well as that of Richard Tallman.

I am acutely aware that there is no one on the Ninth Circuit from the State of Hawaii. I know that federal law requires that "there be at least one circuit judge in regular active service appointed from the residents of each state in that circuit," 28 U.S.C. 44(c), and I would like to see us proceed to comply with the law and confirm Mr. Duffy, as well as the other well-qualified nominees to that Court of Appeals without further delay.

The Fifth Circuit continues to labor under a circuit emergency declared last year by its Chief Judge Carolyn Dineen King. We should be moving the nominations of Alston Johnson and Enrique Moreno to that Circuit to help it meet its responsibilities.

Earlier this year I received a copy of a letter from Judge Gilbert Merritt, formerly Chief Judge of the Sixth Circuit, concerning the multiple vacancies plaguing that Circuit. Judge Merritt was disturbed by a report that the Judiciary Committee would not be moving any nominees for the Sixth Circuit